

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-1744

CONSOLIDATION COAL COMPANY,

Petitioner,

versus

DIRECTOR, OFFICE OF WORKERS' COMPENSATION
PROGRAMS, UNITED STATES DEPARTMENT OF LABOR;
VELMA L. KIRK, widow and executrix of the
estate of Robert L. Kirk, Sr.,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(02-401-BLA)

Submitted: November 26, 2003

Decided: December 23, 2003

Before GREGORY and SHEDD, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

William S. Mattingly, JACKSON KELLY, P.L.L.C., Morgantown, West
Virginia, for Petitioner. Robert F. Cohen, Jr., COHEN, ABATE &
COHEN, L.C., Morgantown, West Virginia, for Respondents.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Consolidation Coal Company seeks review of the Benefits Review Board's decision and order affirming the administrative law judge's award of black lung benefits pursuant to 30 U.S.C. §§ 901-945 (2000). Our review of the record discloses that the Board's decision is based upon substantial evidence and is without reversible error. Accordingly, we affirm on the reasoning of the Board. See Consolidation Coal Co. v. Dir., Office of Workers' Comp. Programs, No. 02-401-BLA (BRB Apr. 18, 2003). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED